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Notice of Allowability

Application No.

10/749,833

Examiner

Geoffrey Mruk

Applicant(s)

BATTERTON ET AL.

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's claim amendments dated 6 June 2007.
2. ☒ The allowed claim(s) is/are 1-3,5-15,17-20 and 22-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

STEPHEN MEIER
SUPERVISORY PATENT EXAMINER

EXAMINER'S COMMENT

The examiner respectfully disagrees with applicant's remark dated 6 June 2006. Applicant states, "In a subsequent telephone call to the applicant's representative, David Feigenbaum, the Examiner indicated that claim 1, as proposed to be amended, would be patentable." However, the examiner makes of record that the interview summary dated 23 May 2007 states, "The proposed draft amendments overcome the rejection of claim 1 dated 14 March 2007." Not until further consideration and a new search of the claims dated 6 June 2007, would they be indicated as allowable.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blair (US 6,520,617 B2) discloses a drop emitting apparatus where "small narrow trenches or grooves 91, 92 are formed in the top surface of the orifice plate 13 in the vicinity of the nozzles. The grooves 91, 92 do not connect with the orifices 21. The grooves 91 more particularly are disposed on one side of the orifices 21, while the grooves 92 pass between adjacent nozzles. The grooves encourage puddled ink in the vicinity of the nozzles to flow away from the nozzles, for example by wicking the puddled ink away from the vicinity of the nozzles. Two grooves 91 between adjacent nozzles also tend to prevent the formation of layer puddles between nozzles by preventing merger of puddles from adjacent nozzles" (Column 3, lines 25-36).

However, Blair does not disclose at least one connecting channel formed in the substrate and extending from the radial channel.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey Mruk whose telephone number is (571) 272-2810. The examiner can normally be reached on Monday-Friday 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GSM
7/31/2007

GM


STEPHEN MEIER
SUPERVISORY PATENT EXAMINER